

Mineral conflict in Antarctica during the 1980's

Convention on the Regulation of Antarctic Mineral Resource Activities
(CRAMRA)

Astrid Jakob
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Abstract

Since the industrial revolution at the beginning of the last century, the search for exploitable mineral reserves has become more and more important. This increasing demand has put pressure on non-renewable resources, which was first recognised in the 1970's and early 80's.

Increasing demand and lack of secure supply from mineral rich countries such as South Africa and Russia, led the Antarctic Treaty Consultative Parties (ATCP) to agree to negotiate a minerals convention. This convention was merely to regulate mineral resources and hence prevent Antarctica from being exploited by an unregulated scramble. The negotiations for such a mineral convention, known as the Convention on the Regulation of Antarctic Mineral Resources Activities (CRAMRA), took six years as it was difficult to find a common nominator. The final document was open for signature in 1988, however soon after, Australia and France refused to sign the convention they helped to negotiate. Instead they proposed that the ATCP should agree on environmental standards and regulations, which would prohibit mining. After a further three years, the Madrid Protocol was adopted, which banned mineral activities in Antarctica for 50 years.

This review will investigate what the controversies between the different parties were during the six years of discussion and investigate what were the underlying motives for France and Australia rejection of CRAMRA. It further comments on the fact, if CRAMRA can be viewed as a complete failure and suggests areas for further research.

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List of Abbreviation

ASOC	Antarctic and Southern Ocean Coalition
ATCP	Antarctic Treaty Consultative Parties
ATS	Antarctic Treaty System
CRAMRA	Convention on the Regulation of Antarctic Mineral Resources Activities
IUCN	International Union for the Conservation of Nature
NCO	Non Consultative Parties
NGO	Non-Governmental Organisation
OPEC	Organisation for Petroleum Exporting Countries
SCAR	Scientific Committee for Antarctic Research
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
WWF	World Wide Fund of Nature

1. Introduction

The establishment of the Convention on the Regulation of Antarctic Mineral Resource Activities (CRAMRA) was a result of an increasing awareness of finite mineral resources in the 1970's, triggered mainly by the Organisation of Petroleum Exporting Countries (OPEC)¹ (Elliot, 1994). In addition, the still prominent cold war tension, which risked the supply of minerals from the Soviet Union and the apartheid problem in the mineral rich country South Africa increased this awareness (Beeby, 1984, Greenpeace, 1985; Hemmings, 2003; Wallace, 1988). Hence, informal discussions around potential mineral exploration and exploitation in Antarctica increased, based on the fact that Antarctica was once part of the ancient Gondwanaland and hence was connected to resource rich continents such as Australia (Wallace, 1988).

The Antarctica Treaty, signed in 1959 did not however, include strategies of how to deal with exploration or exploitation of potential Antarctic resources. Thus, with increasing pressure and resource demand, this “gap” in the treaty, had to be filled (Wallace, 1988).

The objectives of the convention were therefore to regulate Antarctic mineral resource activities², establish property and development rights, prevent an unregulated scramble by any nation and rivalry over strategic resources (Vicuna, 1988), while basically strengthening the ATS itself (Greenpeace, 1985; Wallace, 1988). From the beginning, the negotiations were more a matter of principle, more a discussion about legal and political issues than about the value of minerals itself. Science had not yet established conclusively whether mineral reserves actually existed in Antarctica (Greenpeace, 1985). The consultative parties did not react to knowledge in scientific or environmental terms but to political, legal pressure and fear (Elliot, 1994).

In 1988, the convention was ready for signature after six years of negotiations; however, it never came into force. Instead, an environmental protocol, the Madrid Protocol was

¹ 1973 announcement by OPEC of finite oil reserves

² Which means activities relating to prospecting, exploration or development of mineral resources in the Treaty area and excludes scientific research activities. Mineral resources relates to all non-living natural non-renewable resources (Greenpeace, 1985)

adopted in 1991, which prohibits any mining activities including prospecting for the next 50 years.

This review then, addresses the following question:

What were the conflicts between the different parties and why did the Convention on the Regulation of Antarctic Mineral Resource Activities (CRAMRA) fail?

The following objectives are sought:

- What was the convention designed to do?
- When and with how many member states did the discussion start?
- What were the arguments/issues of the different countries concerning mining in the Antarctic?
- What was the general consensus in 1988 with CRAMRA being open for signature?
- What were the driving forces for the negotiations to fail, leading to the signing of the Madrid Protocol (1991), which included the permanent mining ban?
- What were the specific reasons for France, Australia to vote against CRAMRA?
- Despite its failure, what positive aspects came out of CRAMRA?
- What further research might evolve from this review?

2. Discussion around CRAMRA

Due to the increasing pressure and discussion around the issues of mineral prospecting and exploitation of Antarctic resources, the Antarctic Consultative Parties meeting in Buenos Aires in July 1981 agreed to convene the Fourth Special Antarctic Consultative Meeting on Antarctic Mineral Resources. The Meeting started in Wellington in 1982 with 14 consultative parties, and after 12 formal sessions and three informal intercessional meetings (Elliot, 1994), the then twenty consultative parties adopted the Convention on the Regulation of Antarctic Mineral Resource Activities (CRAMRA) in July 1988. This

section reviews the issues and arguments different groups had during these six years and what they finally agreed to.

Major tensions during these negotiations were between: claimants and non-claimants, “mining states” (likely sponsoring of exploration) and claimants, developed (especially miners) and developing nations, between superpowers, consultative and non-consultative powers, environmental inclined states, NGO’s and miners. These parties and their position are defined and evaluated in Appendix A (Beck, 1998; Elliot, 1994; Fogg, 1992; Greenpeace, 1985; Wallace, 1988).

Generally, at the heart of the negotiations, especially between claimant and non-claimant states were the issue about sovereignty, basically about property rights. Beyond that, the question about liability, compliance and inspection was raised constantly. Overall each interested party tried to achieve a legal framework that will increase its own position once decisions for opening up an area, inspect or enforce the convention, formulate guidelines, consider applications or management schemes are to be made (Wallace, 1988).

Despite the differences, the parties involved had a “strong mutual interest in reaching an agreed and orderly solution to the issue of mineral resources” (Bilder in Elliot, 1994, p.199). In May/June 1988, during a two week ‘marathon’ meeting, a basic consensus was found, hence a compromise of the above mentioned issues. Christopher Beeby, Deputy Secretary of Foreign Affairs and chairman of the Antarctic minerals negotiations, praised it as “an historic occasion which I believe will go down in Antarctic history as the most important political development regarding the regulation of Antarctica since the Antarctic Treaty itself’ (ATCM/SCM-IV, 1988b, p.1 in Elliot, 1994)

The mining convention, open for signature in 1988, provided a regulatory framework for mining (U.S. Congress, 1989). It was not designed to encourage mining nor establish a detailed mining code. It however contained general guidelines with some specific requirements and prohibitions (Herr, 1990), reached on the basic consensus approach by the ATCP. The agreement applied to all mineral activities on the continent and offshore areas, excluding the deep sea bed, which worldwide is regulated by UNCLOS.

Any decisions to mine had to take into consideration other already established activities in Antarctica such as science, tourism, conservation of marine living resources, preservation of historic monuments, navigation and aviation (Article 15) (SCAR, 2003, 1988, Suter, 1991). Potential projects would only be authorized when they did not pose any effects on the above mentioned activities or pose any adverse environmental impacts (Article 4) (SCAR, 2003, 1988, U.S. Congress, 1989). While doing so CRAMRA distinguished between prospecting ('activities including logistic support, aimed at identifying areas of mineral resource potential for possible exploration and development'), exploration ('activities, including logistic support, aimed at identifying and evaluating specific mineral resources occurrences or deposits'), and development ('activities, including logistic support, which take place following exploration and are aimed at or associated with exploitation of specific mineral resources deposits') (Article 1 (8)-(10)) (MoFA, 1988, SCAR, 2003, Suter, 1991)

Minerals prospecting, exploration and development must be sponsored by a party to the convention. Sponsoring states must evaluate operators they sponsor and oversee their activities. In addition, sponsors must be prepared to defend and support the interest of their operators in institution meetings (U.S. Congress, 1989). Any exploration or development activities can however, under the laws established by CRAMRA, only proceed with environmental control and with specific approval by the established institutions (Taylor, 1989).

The institutional structure is composed of a two-tiered regime with one higher and several lower forms of authorities and a permanent secretariat in Wellington (Taylor, 1989) (Table 1).

Institution	Membership	Function	Article
Antarctic Mineral Resource Commission	ATCP other nations engaged in mineral research other nations sponsoring such research	main political body oversee activities decides to open an area, all members have a veto power settles disputes	18 - 22
Scientific, Technical and Environmental Advisory Committee	all nations party to CRAMRA	advised the commission not a decision making body	23 - 27
Special Meetings of Parties	the claimant state for the specific area one non-claimant, NGO, mining companies other parties interested	convened specifically to discuss the opening up of an area for mining	28
Regulatory Committee	-"	regulate the activities	29-32
Secretariat	assigned by the commission	service these four institutions	33

Table 1 Institutional Structure in the Convention on the Regulation of Antarctic Mineral Resource Activities (CRAMRA) (Herr, 1990, Kimball, 1988, Suter, 1991, Taylor, 1989)

Concerning sovereignty, the convention did not try to resolve territorial issues, but rather relied on the balance power between the various institutions of the regime (Taylor, 1989). Throughout the negotiations, parties persuaded Article IV of the Antarctic Treaty, which under the convention remained unaffected. As all members in the commission possessed veto power, it ensured that despite the unresolved sovereignty issues, no country will benefit more than another (Elliot, 1994; Taylor, 1989).

One of the most difficult issues, liability, was only partly solved under the convention. CRAMRA contains general liability provisions such as parties involved in the operation would be liable to repair any potential damage caused by their activity (Taylor, 1989). Beyond that, it required sponsoring states to ensure that prospectors maintain financial and technical means to continue their operation (Article 8(1), SCAR, 2003). If the prospector fails, the sponsoring state is responsible for stepping in (Article 37, SCAR, 2003). Beyond that mining parties are levied taxes, which are partly used to form a fund to assist in the costs of repairing environmental damage if it occurred and proved too costly for a party to clean up (Taylor, 1989). Regarding exploration and development however, the involved parties agreed that a special Liability Protocol has to be negotiated before these activities could take place. Any disputes beyond these issues ought to be settled by the commission (Kimball, 1988).

An example of the requirements involved to be able to prospect, explore and develop under the Convention on the Regulation of Antarctic Mineral Resources Activities (CRAMRA) can be found in Appendix B.

To enter into force, the minerals regime needed ratification by 16 out of 20 voting members of the Antarctic Treaty. These must include the United States of America, USSR, and the claimant states: Argentina, Australia, Chile, France, New Zealand, Norway and Great Britain. Beyond that, the 16 states had to include five developing and eleven developed countries (Elliot, 1994).

3. Failure of CRAMRA

The necessary consensus about ratification of the minerals regime in 1988 among the claimant states, USSR and USA was unsuccessful. Australia and France refused to sign the convention, consequently CRAMRA did not enter into force (Elliot, 1994; Suter, 1991). Instead, after only two years of negotiation, an environmental protocol, the Madrid Protocol, was signed, prohibiting mineral prospecting in Antarctica for 50 years (Suter, 1991). The following section will hence briefly explore the extrinsic and intrinsic factors, which led to the non-ratification of the minerals convention, as well as the position of Australia and France.

3.1. Factors influencing the failure of CRAMRA

Extrinsic Factors

The global political situation changed significantly since the start of the negotiations and discussion around mineral exploration in Antarctica. No immediate pressure on mineral resources existed, as the apartheid problem in South Africa and the cold war tensions were gone. In addition, the oil price was significantly lower than during the late 70's and early 80's (Wallace, 1988). Hence, there existed no immediate economic pressure for countries to explore Antarctica for potential resources.

Despite a weaker economic demand for minerals, the public continued to pressure the consultative parties. The late 80's mark the second wave of environmentalism

(Hemmings, 2003)³, which changed the question of acceptability of mineral activities. This wave was strengthened by four major environmental disasters that occurred during the signature year of CRAMRA⁴. Beyond that, NGO's, mainly Greenpeace mobilised the public by trying to remap the image of Antarctica in peoples mind. They compared and broadcast waste sites in Antarctica, mainly near bases, with images of the clean, pure Antarctica (Hemmings, 2003). Other NGO's raised awareness by publicising and educating people about Antarctic issues. Their main concern and criticism related to scientific, environmental and technical uncertainties of mining (Elliot, 1994, MoFA, 1988) and that no proof was available that mineral exploration could proceed in a safe manner.

Intrinsic Factors

Despite consensus on many issues achieved during the final meeting, tension still existed between the negotiators. This is not surprising, as CRAMRA could only enter into force if all claimant states, the US and USSR ratified the convention (Article 62) (Elliot, 1994). Other ATCP had to accept the special position of these countries, which actually questions the traditional consensus approach of the Antarctic Treaty (SCAR, 2003). Tensions also existed regarding the lack of clarity of the environmental standards, enforcement, compliance and liability of CRAMRA. Greenpeace (1985) stated that it was impossible to ensure that mining could be conducted in a safe manner and human fallibility could not be eliminated with current technology (Behrendt, 1983). Rigorous enforcement and liability still had to be complied once an area was suggested to be opened for mining (Wallace, 1988). Overall, to achieve consensus, the convention was kept very general with significant issues, like liability, still to be negotiated once economic mineable minerals were found.

These internal and external issues influenced some countries, like Australia and France, to reject the convention. The relative easiness of this political change among nations has

³ The first environmental wave was triggered by the book 'The Silent Spring' by Rachel Carson released in 1962 (Hemmings, 2003).

⁴ 28.01.1989 the Argentinean oil vessel Baiha Pariso ran aground off the US Palmer base, 07.02.1989 the British vessel HMS Endurance ran aground near Deception Island, 28.02.1989 Peruvian oil vessel BIC Humboldt ran aground off King George island. These three disaster happened around the Antarctic peninsula whereas the worst of all oil spills during this time occurred of Alaska on the 24.03.1989, known as the Exxon Valdez oil spill (Joyner, 1995, Suter, 1991).

to be also seen on the basis that an activity was rejected, which had not yet taken place. It would have been for example far more difficult to ban fishing, which was already a well-established activity in the Southern Ocean.

3.2. Position of Australia and France

Australia

Australia was the first nation to reject the mineral convention once it was open for signature. There are two major reasons for their change in policy. The environmental movement happening throughout the world also emerged in Australia. The weakness of the convention concerning environmental protection and the potential effects on Antarctica increased public awareness. This increasing concern occurred at the same time as national elections took place. When the strength of environmental parties increased⁵, the government saw it as an electoral advantage and necessity to reject CRAMRA and instead supported environmental and conservational interest in Antarctica (Elliot, 1994).

In addition, domestic mining activities, already subsidized by the government, were seen by domestic mineral companies as under threat. The exploration of Antarctic minerals might decrease the value of minerals in Australia and the technological capacity was seen incompatible with other countries (Tsamenyi, 1989).

The refusal to sign CRAMRA however did not happen lightly, as non-adoption could have been viewed as a major disruption of the ATS and might have implied foreign claim recognition by other states (Elliot, 1994; Lugt, 1996). This was not in Australia's interest. For that reason, the government simultaneously proposed to set aside Antarctica as a wilderness reserve⁶. In case of non-recognition, it kept the option open to sign CRAMRA at a later stage, which was a preferred option than the threat of unregulated mineral activities or UN control (Elliot, 1994).

⁵ The Green Independence won enough legislative seats in 1989 to dominate the balance power in the Tasmanian parliament (Elliot, 1994)

⁶ Australia and also France intentionally did not propose Antarctica as a world park to distinguish themselves from NGO's and hence to obtain more acceptability among treaty partners (Elliot, 1994)

France

The French government soon followed Australia's position. Their policy change was also mainly driven by the emerging environmental pressure and NGO activities. The French environmental group led by Jacques Cousteau supported Australia's position and for example collected 1.2 million French signatures on a 'Save the Antarctic' petition (Suter, 1991). In close cooperation with the Australian prime minister, Mr. Hawke, the French prime minister, M. Rocard, strongly supported the world reserve proposal and stated that in case of rejection, France might also rethink of signing the convention on a later stage (Lugt, 1996).

Overall, it has to be stressed that neither France nor Australia tried to challenge either the treaty system or the consensus principle. They instead emphasized their continuous support for the treaty system and hence offered that consensus could be found on environmental regulation and standards. Such a strategy ought to protect the continent while putting a ban on mineral activities (Elliot, 1994). This proposal was soon supported by the Belgium, Italian, Indian and New Zealand government. In Britain, parliamentary discussion about a potential mining ban took place, while in the United States, senator Al Gore called in the congress for full protection of Antarctica. Despite this, the state department continued to support the convention, believing that Australia would soon change its position. Public support to this idea was also increasingly coming from within NGO's such as the WWF and Friends of the Earth.

As the issue of environmental protection became stronger, more and more consultative parties, in addition to these aforementioned nations, questioned on whether to ban mineral exploration, an option, which was rejected in 1970's. The United States still rejected a total ban on mining and only compromised on a temporal mining ban of 50 years. With this in mind, the consultative parties negotiated by the end of October 1991 a new legally binding agreement on environmental protection, the Madrid protocol. This environmental protocol prohibits mineral exploration and even prospecting till 2041 and erected new environmental principles and standards (Beck, 1998; Fogg, 1992; Herr, 1990; Lugt, 1996; Suter, 1991).

4. Conclusion

During the 1970's, mineral issues became more and more important as countries saw current mineral supply from South Africa and Russia under threat, as well as recognised the limit of future oil reserves. During that time, Antarctica gained importance as an unexplored, potentially rich mineral continent. Likewise the threat for unregulated mineral activities in Antarctica was recognised, which saw the seeds for the establishment of a mineral convention now known as CRAMRA (Convention on the Regulation of Antarctic Mineral Resource Activities). After six years of negotiation due to internal conflicts and external pressure, the convention was open for signature in November 1988. To enter into force it had to be signed by all claimant states, the U.S. and USSR. Australia and France, being claimant nations, however refused to sign the convention, which led to its ultimate failure.

The convention can however not be viewed as a complete failure. The ability of the ATS to respond to external pressure demonstrated its robustness and strength. External and internal disruption did not challenge the foundation of the ATS. The increased legitimacy of the ATS was further demonstrated by the rapid expansion of ATS membership, which rose by 14 member during 1980 to 1991. Beyond that, the drafting of CRAMRA aided towards the negotiation of the Madrid Protocol, which hence was adapted within three years (Schram Stokke, 1996). CRAMRA created three normative principles⁷, which were ultimately strengthened in the Madrid Protocol.

What remains questionable however is, whether CRAMRA had still failed if a different approach towards the negotiations had taken place. Major drawbacks of the negotiations were the exclusion of public or political discussions, which might have challenged conventional wisdom on the acceptability of minerals. The quest for observer status by NGO's and NCP was initially rejected and even after permission, documents or the revised draft of the convention was only handed out to ATCP (Elliot, 1994). Beyond that, SCAR, the scientific research body of Antarctica, was not requested to assess

⁷ These are: 1. the requirement of an Environmental Impact Assessment, 2. the requirement of sufficient knowledge prior to decision making regarding activities in Antarctica, 3. the normative principle of an enforcement mechanisms involving inspection, liability and compliance {Joyner, 1995 #16}.

environmental, scientific nor technical issues surrounding mining. CRAMRA negotiated by the ATCP lost major credibility due to these factors.

Minerals activities have only been banned till 2048. Antarctic activities become more and more divers and hence the Antarctic Treaty, established almost 50 years ago, more difficult to apply e.g. the issue around bioprospecting (Hemmings, 2003). Thus, the question remains, if the ATS will survive in future in case major economic viable mineral reserves are found in Antarctica, which outweigh environmental concerns. Potential for future research also exist in the field if exploitable resources would sow the seeds for conflict and military involvement⁸, which would breach the Antarctic Treaty (Article 1) (SCAR, 2003). Another interesting angle to be explored is to what extent presently scientific geological research aids in locating resources as currently not even prospecting is permitted under the Madrid Protocol. These gaps in the research show that despite the failure of CRAMRA, the consensus on the Madrid Protocol, the issue around mineral resources is still significant.

⁸ As Cornelius van der Lugt points out "Connection between resources and security are no longer limited to classical geopolitical factors (such as location, sea passage or minerals). Environmental degradation, resource depletion, and security of access to increasingly scarce reserves of energy and other raw materials may be far more important sources of human and interstate conflict in future" (Lugt v.d, C. p. 230)

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Appendix A

Antarctic Treaty Consultative Parties (Wallace, 1988)

Claimants	Non Claimants
Argentina ++	USA ***
Chile ++	Japan ***
New Zealand ++	West Germany ***
Norway ++	Brazil *
Australia * ++	USSR *
France ***	South Africa *
UK *** +	GDR =
	India
	China
	Belgium
	Italy =
	Uruguay
	Poland

*** indicates nations with strongest desire and potential to mine

* indicates nations with interests as eventual miners as being presently behind necessary technology

+ Environmental inclined

= suppliers of energy support (includes Sweden)

Developing Nations (ref 3)

This includes Brazil, India, China, Uruguay and to a less extent Argentina and Chile

NGO

The most dominant NGO's during the discussion were the Association for Southern Ocean Coalition (ASOC), with major emphasis coming from Greenpeace and the International Union for the Conservation of nature (IUCN).

Objectives in negotiations:

Claimants

- recognition of their special position as claimants,
- economic benefit of from the regime, which would however frustrate the implementation of the convention and undermine the compromise of all parties favoured in the convention,
- claim that prior occupation Antarctica was 'res nullis' - property of no one. Their claims were made on grounds such as exploration and developments, which hence should be recognised,
- exercises of their law,
- veto on management scheme

Non-claimants

- opposed recognition of special position of claimants
- limit powers of claimants to extract special concession
- criticise the voting power of the ATS
- claim the right to administer Antarctica as well
- most and in accordance with claimant states reject the view of Malaysia, NGO's and others outside the treaty that Antarctica is Common Heritage of Mankind (along with deep sea bed and outer space)
- Superpowers: USA and USSR: Despite not being a claimant state, they demand special privilege under CRAMRA (seat on all Regulatory Committees) because of their existence of their "basis of claim". However this recognition is in reality not on their "basis of claim", which is a diplomatic disguise, but rather on their superpower status

Mining States

- avoid the "parasitic" demands of the claimants (not including UK & France)
- easiest condition on management schemes and a clear run for their developers

- assure that they provide high standard of environmental protection in case ever mined (group for mining), yet reject to accept absolute an unlimited liability⁹
- avoid control on prospecting
- limit the power and demands of developing countries, reject technology sharing
- ensure confidentiality of aspects of application, data and other information
- avoid sharing financially, hence security of ownership of any resources found

Developing Nations

- Antarctica is a common heritage, belongs to all, should be managed by all – ‘res communis’ - property of all - like under the Law of the Sea (UNCLOS) of 1982¹⁰
- criticises the close atmosphere of the negotiations/management of ATS
- Antarctica should be protected world park managed under the United Nations (UN)
- In case of mining, demand technology sharing and hence a right of participation in joint ventures
- Financial reward
- Seats on the regulatory Committee allotted to developing countries
- Demand the provision of property and development rights for developing nations not party in the Antarctic Treaty
- Prospect of minerals led to more and more developing states joining the treaty such as China (1983) and South Korea (1986)

NGO's

- judge CRAMRA as an institution that facilitates mining rather than preventing illegal exploitation
- favour world park accessible to no one for development and managed under UN
- criticise environmental standards and the ability to control environmental impact and that these issues were dealt with separate from political and legal issues
- convention will provide political accommodation between the parties in terms of mining

⁹ The reluctance of the USA, West Germany, France, Japan and the UK to accept absolute and unlimited liability shows that they did not believe mining is undoubtedly safe (3)

¹⁰ The Law of the Sea states that the deep sea bed outside national jurisdiction is a common heritage of mankind (Hemmings, 2003)

- stress the importance for at least an independent environmental protection agency, which is independent to any government
- stress the point that mining will endanger security, countries will likely defend their resources, which than would be against the treaty hence a likely failure of ATS, this mining is like 'sowing the seeds for conflict'
- criticise that negotiations were behind closed doors and that no public record of the debate is available
- were at first rejected when they tried to get observer status and not even SCAR was invited as an observer or asked to provide scientific, environmental or technical reports
- argue that the real value lies in scientific secrets, genetic potential, aesthetic and spiritual values, essential role in maintenance of global biophysical system and political stability and that these values outweigh financial and geopolitical gains to nations from the extraction of minerals

Environmentally Minded States

- public process and accessibility of information
- controls over prospecting
- absolute and unlimited liability
- decision break between exploration and development
- inspection and monitoring powers to all parties and all institutions

Appendix B

The mining system was designed to operate as follows: “An ‘operator’ (for example, Exxon or Shell) had to acquire a ‘sponsoring state’ (which is a Party to CRAMRA with which it had a “substantial and genuine link”, such as being based in that party’s jurisdiction, as with the US or UK). The initial question for the sponsoring state was whether the proposed area of mining was open for that kind of mining. If it was, then an application for exploration would have been filed with the Regulatory Committee responsible for the region in which the proposed mining area fell. If not, then the sponsoring state would have requested the Secretariat to seek approval for opening up the area. A Special Meeting of Parties would have been required. This was only advisory; the key decision would have been made at the next stage by the Commission. Assuming that the Commission agreed, then it would have established a Regulatory Committee: ten members, which would have included the sponsoring state, relevant claimant nations, the USA and USSR. The Regulatory Committee would have taken on the detailed consideration of the proposed mining itself (as distinct from whether or not an area should be opened up for exploration). Assuming that the proposed management scheme was satisfactory, then an exploration permit would have been issued.” (Suter, 1991, p.57)